



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 5 March 2025

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
4th Meeting 2025, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Marie McNair (Clydebank and Milngavie) (SNP) (Committee Substitute)

Paul Sweeney (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 5 March 2025

[The Convener opened the meeting at 09:37]

Continued Petitions

The Convener (Jackson Carlaw): Good morning. I apologise for the slightly late start, which is entirely down to me and not to any of my colleagues.

Welcome to the fourth meeting in 2025 of the Citizen Participation and Public Petitions Committee. We have apologies from the deputy convener, David Torrance, and from our colleague Maurice Golden. Marie McNair is substituting for David Torrance, and it is a pleasure to have her with us.

Scottish Public Service Ombudsman (PE1964)

The Convener: Agenda item 1 is consideration of continued petitions. The first of those is PE1964—committee colleagues might recall our discussing it at some length—which was lodged by Accountability Scotland and calls on the Scottish Parliament to urge the Scottish Government to create an independent review of the Scottish Public Services Ombudsman in order to investigate complaints made against the SPSO, assess the quality of its work and decisions, and establish whether the current legislation governing the SPSO is fit for purpose.

We last considered the petition at our meeting on 15 May 2024—it does not feel like it was as long ago as that, as I can remember the conversation quite vividly—when we agreed to write to the Scottish Government and the Scottish Parliament Finance and Public Administration Committee.

The Scottish Government has reiterated its view that an independent review of the SPSO, including a review of the Scottish Public Services Ombudsman Act 2002, is not required—colleagues might recall that that is all in relation to the fact that it has been in existence for 20 years and no review has ever actually taken place. The submission highlights the evolution of the SPSO's functions and scope since its inception, stating that its powers and responsibilities have not remained static. The Scottish Government also highlights the existing accountability and scrutiny functions. The submission reiterates that the

Scottish Government does not have the available resources or capacity to initiate and take forward an independent review due to existing commitments and competing legislative priorities.

The petitioner's written submission of February last year called for Accountability Scotland to present oral evidence on what an independent review should consist of. Since then, the Local Government, Housing and Planning Committee has held a call for views on the Scottish Public Services Ombudsman and has taken oral evidence from Accountability Scotland, alongside other stakeholders, so that opportunity has been afforded. It also took evidence from the SPSO. In her evidence to the committee, the ombudsman shared options for how an independent external review could operate. She said that, although a review would be attractive, there would be costs involved and stated the importance of defining the remit of and outcomes from any such review.

The Local Government, Housing and Planning Committee has subsequently written to the ombudsman to share its observations. That correspondence raised a number of points, including a lack of available performance data, levels of customer satisfaction and neutrality in external evaluation. It also highlighted the SPSO's suggestion that it might be time to reflect on the way that the Scottish public scrutinises the SPSO and proposed that the Finance and Public Administration Committee could have a larger role in scrutinising the accountable officer. Since the petition was last considered, the SPCB Supported Bodies Landscape Review Committee was established. It also took evidence from the SPSO in February this year. Its role is to review and develop a framework for Scottish Parliamentary Corporate Body supported bodies, and it is expected to sit until 30 September this year.

Do colleagues have any comments?

Fergus Ewing (Inverness and Nairn) (SNP): Thank you for that full exposition of what has happened since the petition was lodged on 7 September 2022—nearly two and a half years ago. As you described, there has been fairly detailed consideration by this committee and other committees as a result of Accountability Scotland bringing the issue to Parliament, so there has been a good airing of many of the issues involved.

I have a lot of sympathy with the petitioners. However, in the light of everything that you have said—in particular, the fact that the Local Government, Housing and Planning Committee recently held a call for views and took evidence to consider the performance of the ombudsman and how that has been evaluated and improved, and that the SPCB Supported Bodies Landscape Review Committee has been established to review and develop a framework for SPCB supported

bodies—I think that we have ensured that the petition has been properly scrutinised by Parliament.

I add that, having looked at the 2002 act, in particular section 16, I see that, as I alluded to in the evidence session last September, the ombudsman has no power to award any specific remedy to any individual, despite the fact that it has the power under section 16 to issue special reports where there has been a “sustained injustice or hardship”, but it does not then have any power to recommend that the body that caused the harm should issue any compensation. I mention that on the record because it seems to me to be a lacuna. To be fair, if somebody goes to the SPCB seeking justice and all they get is, “Well, your complaint is upheld”, they might well feel that that is unsatisfactory, especially in the most serious of cases where there has been injustice and hardship.

Although I think that we should close the petition, I expect that the supported bodies committee might be asked to consider the matter along with the rest of its considerations.

The Convener: Are our colleagues content that we close the petition for the reasons that Mr Ewing gave?

Members *indicated agreement.*

Property Factors (PE2006)

The Convener: Our next petition is PE2006, which was lodged by Ewan Miller and calls on the Scottish Parliament to urge the Scottish Government to amend the Property Factors (Scotland) Act 2010 to cover dismissal of property factors or to bring forward other regulations that would achieve the same aim. That could include giving the First-tier Tribunal for Scotland powers to resolve disputes related to the dismissal of property factors.

Colleagues will recall that we last considered the petition at our meeting on 19 February when we heard evidence from the Minister for Victims and Community Safety and a number of Scottish Government officials. During that session, we heard that the Government plans to publish guidance that is aimed at helping homeowners to navigate the various options for how voting procedures should be carried out when dealing with factors.

The minister also expressed a willingness to consider new suggestions on how the process to dismiss a factor could be simplified, including a suggestion from our colleague Fergus Ewing on whether the small claims court could be empowered to determine and dismiss property factors in cases where the factor is considered to have overcharged residents.

We also heard that the Government is considering the recommendations of the Competition and Market Authority’s report into house building, with the minister indicating that her colleague the Minister for Housing may be exploring some of those issues in a proposed round-table meeting with property factors.

Having had the opportunity to reflect on the evidence that we heard at our last meeting, do members have any comments or suggestions for action? We will probably want to formalise your suggestion, Mr Ewing.

09:45

Fergus Ewing: I was going to suggest that we write to the Minister for Victims and Community Safety to ask what further consideration the Scottish Government has given to the suggestion that the small claims court be given powers to dismiss property factors in situations where excessive charges have been introduced. That matter arose in evidence that Sarah Boyack presented to the committee some time ago, which indicated a particularly egregious example of apparent overcharging.

We should also seek further detail on the Scottish Government’s response to the Competition and Markets Authority’s report into house building, including the anticipated timescale for the publication of that response, and ask how many property factors have been dismissed in the past 10 years, although I am not sure that the Scottish Government will have that information.

The Convener: I have a slight recollection of its saying that it did not have that information, but I think that it might be useful to ask how that information might be established if it is not currently compiled.

Fergus Ewing: Yes, quite so. I want to place on the record that, in her evidence, the minister was very open to suggestions and that the demeanour and tone of her evidence was encouraging in that regard. I also want to express some concerns that guidance alone is unlikely to appease those who have a real grievance.

Finally, it is only fair to put on the record that, from my quite long experience as a solicitor, I think that most property factors are fairly diligent. In the course of working in tenements, they very often deal with difficult situations in which owners are at loggerheads. In my experience, the fees that are charged are not particularly huge. I want to make it clear that the committee is not in any way suggesting that all property factors should be criticised; quite the contrary—they have a difficult and sometimes thankless job to do, albeit that it is a necessary one, because otherwise repairs to common property would not happen.

Where there is overcharging, I do not think that the law has any real remedy other than going to court, which is so expensive that nobody will ever take it up unless they are a multimillionaire—in which case they probably do not live in a flat on Govanhill Street, so there we are.

The Convener: Thank you, Mr Ewing. It is absolutely correct that we should make clear that, in supporting the aims of the petition, the committee is not identifying all property factors as villains—far from it. Many people in my constituency have expressed that they are perfectly satisfied with the service that they receive and believe that the property factors act very much in the interests of residents. However, when there is an issue, there is a lack of remedy.

We might also write to the Law Society of Scotland to seek its views on the suggestion that the small claims court be given powers to dismiss property factors in those situations that Mr Ewing has described, where excessive charges have been introduced. Is the committee content with those suggestions?

Members indicated agreement.

Disposable Vapes (PE2033)

The Convener: The next petition is PE2033, which was lodged by Jordon Anderson and calls on the Scottish Parliament to urge the Scottish Government to legislate for a full or partial ban on disposable vapes in Scotland and to recognise the dangers that those devices pose to both the environment and the health of young people.

We last considered this petition at our meeting on 17 April 2024, when we agreed to keep the petition open until such time as regulations to ban the use of single-use vapes were introduced, or at least until we had a clear indication of when they would be introduced.

As members will be aware, in September last year, Parliament voted to approve the Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024, which were expected to come into effect on 1 April 2025. However, commencement is now expected to take place a little later, on 1 June 2025. The intention is that that will ensure alignment with similar regulations being introduced across all four nations of the United Kingdom.

We have received a submission from our MSP colleague, Maggie Chapman, who commends the petitioner, Jordon, and others for their work on that issue and calls on us to keep the petition open until the regulations are in force. How do colleagues feel about that?

Fergus Ewing: As it happens, convener, I had an informal meeting on Monday this week with

someone who is involved in the grocery business in Scotland. He expressed a number of concerns about the possibility that the proposed ban, although it is welcome, will not go far enough, because it will not prevent the importation of vapes, which will therefore continue to be imported and sold—and they will be sold on the black market. He said that they are already being sold in such a manner, that they are being sold in an unauthorised way by various groceries and that, in particular, there are no penalties enforced other than the recovery of tax in respect of the particular number of vapes that have been identified as having been wrongly sold.

I am no expert on this matter. However, I find myself in somewhat unusual agreement with the Green MSP, as there is perhaps more that might be done in addition to what has already been done. I am told that the illegal vapes that are being sold are very often injurious to health.

Before we close the petition—and it may be that that is what we will do at a later date—I suggest that we write to the Scottish Grocers Federation, which represents more than 5,000 small convenience stores that employ more than 50,000 people. Its representatives are probably the people on the front line who are dealing with the sale of vapes and who are under huge pressure through physical attacks on their members of staff, which are often associated with the sale of such items. I suggest that we ask for their views on whether the ban will go far enough.

I agree with Maggie Chapman that this is a matter of profound concern. We have taken all sorts of action on smoking and, to many people, vapes are just smoking through the back door.

The Convener: Hell must have frozen over—I never thought that I would live to see the day that you said that, Mr Ewing.

In Mr Ewing's paean of praise to his Green colleague Maggie Chapman, who called for the petition to remain open, I think that he makes an important point that we could write to the Scottish Grocers Federation. At the moment, I suppose that the issue that Mr Ewing raised is too anecdotal to draw to the attention of the Scottish Government, and it might be better to first see whether we get something more formal from the Scottish Grocers Federation.

Are we content to keep the petition open on that basis—and to advise Maggie Chapman that the petition has been kept open on the motion of Fergus Ewing?

Members indicated agreement.

Sudden Cardiac Death (PE2067)

The Convener: The next petition is PE2067, which was lodged by Sharon Duncan and calls on the Scottish Parliament to urge the Scottish Government to commission research to establish how many people aged 14 to 35 are affected by conditions that cause young sudden cardiac death, to clarify the number of people in Scotland who die annually from these conditions and to set up a pilot study to establish if voluntary screening can reduce deaths.

Is that Sharon Duncan in the public gallery? My eyesight is so faulty these days, but I believe that she is in the gallery—a very good morning to you.

We had hoped to be joined by Oliver Mundell for our consideration of this petition but, unfortunately, he is unwell and has not been able to attend the Parliament this week. He has sent his apologies.

We last considered this petition at our meeting on 20 March 2024, when we agreed to write to a number of organisations with a view to better understanding what research may be under way and to invite views on the call for a pilot study for a voluntary screening programme. Copies of all the responses that we have received are included in our papers for today's meeting.

The response from Cardiac Risk in the Young—CRY—provides details on calculating and understanding the incidence of conditions associated with young sudden cardiac death. It suggests that there are inaccuracies in the way that the incidence is recorded by the Office for National Statistics, which has led to the UK and Scottish Governments underestimating the impact that those conditions have on families and society at large. That is clearly disturbing.

Similarly, the British Heart Foundation and Chest Heart & Stroke Scotland both highlighted the importance of research for improving understanding of the prevalence of sudden cardiac death and how best to identify the risks associated with it. Both organisations indicated support for further research, with Chest Heart & Stroke Scotland believing that, if the Scottish Government commissioned research, including a pilot study on voluntary screening, it could provide crucial insight and offer a valuable contribution to the current evidence base.

We also received a response from the Minister for Public Health and Women's Health setting out how the Scottish Government and other UK nations engage with the work of the UK National Screening Committee. It noted that Governments cannot tell the NSC which issues it should consider or review.

In its response dated May 2024, the UK National Screening Committee states that it is not

aware of any significant new work on whole population screening that would suggest a different outcome to its 2019 review. It does, however, plan to review evidence relating to population screening for sudden cardiac death within the next three years. The response also notes that the NSC's terms of reference have been expanded to include consideration of targeted or stratified screening programmes, and although it has not yet been asked to consider targeted or stratified screening for sudden cardiac death, it can be alerted to any new published peer-reviewed evidence that might suggest a case for a new screening programme.

We have also received two submissions from the petitioner. She welcomes the responses from Cardiac Risk in the Young, Chest Heart & Stroke Scotland and the British Heart Foundation, and also draws our attention to discussions that have taken place elsewhere in the UK, including an event at the Italian embassy in London that explored the mandatory screening programme for young people who are involved in organised sport in Italy, and how that programme might be adapted for use in the UK. Ms Duncan also shared information about the meeting that she had with the then First Minister, Humza Yousaf, and the Cabinet Secretary for Health and Social Care to discuss the possibility of commissioning or supporting research into the impact of diseases leading to sudden cardiac death in Scotland.

Quite a bit of progress has been made, but there is still work to do. Do colleagues have any suggestions for action?

Foysoyl Choudhury (Lothian) (Lab): We should keep the petition open and write to the Cabinet Secretary for Health and Social Care to highlight the evidence that the committee has received, and seek an update on any discussions that the cabinet secretary has had with the chief scientific officer about commissioning or supporting research into the impact of diseases that lead to sudden cardiac death in Scotland.

We could also ask what consideration the Scottish Government has given to commissioning a pilot study on voluntary screening, including details of any engagement that it has had with organisations such as the British Heart Foundation, Cardiac Risk in the Young, and Chest Heart & Stroke Scotland on that particular ask of the petition.

Given what the petitioner highlighted in their submission about the Italian screening programme, I wonder whether the Italian consulate would be able provide a briefing or some research on that programme, which has reduced SCD by almost 90 per cent.

The Convener: That is also a welcome suggestion. I have to say that I was unaware of the programme in Italy, so I think that it would be useful to have some further information on it.

Obviously, this is an issue that has resonance for all of us here in Parliament, given the loss of one of our staffing colleagues.

Fergus Ewing: I agree with that recommendation. I note that Mr Mundell has been pursuing the issue doggedly and with feeling since the outset.

There is a very serious issue that has not, to me, been resolved, although I am no expert. The Minister for Public Health and Women's Health has provided a fairly lengthy reply, unlike in some cases, so that is good. On one hand, the petitioner initially argued that there were 12 preventable deaths per week, which is quite a high incidence, but the National Screening Committee argues precisely the opposite. In her response of 21 April 2024, the minister said:

"The error, or misunderstanding of the incidence of YSCD, is why we have made repeated requests to meet with the National Screening Committee to clarify this issue ... We have also requested for the NSC to transparently publish the pre-screening and post-screening incidence death rates for other conditions which meet the NSC screening criteria."

I wonder whether we have quite got to the bottom of that, and whether, when we are writing to the cabinet secretary, we could ask whether that meeting with the National Screening Committee has taken place, what it says, what its updated position is, and what is the explanation for the apparent massive discrepancy between the two positions. If the petitioner is right, the problem is profoundly serious, not only for her, given her tragic loss, but for many families across Scotland and, indeed, the UK. We therefore have a duty to ensure that the minister's efforts are assisted by the committee, so that we get to the bottom of this, if we possibly can.

The Convener: Thank you, Mr Ewing. Because of the scheduling of the petition, we have ended up considering it almost as we come around to the anniversary of the death of Sharon Duncan's son, David Hill, on 19 March 2022. I thank colleagues and the Scottish Rugby Union for the work that they do in keeping David's memory alive and the work that the Parliament and others do to bring attention and feeling to the issue. He is still sorely missed by many of us here in the Parliament.

On the basis of those recommendations, are we content to keep the petition open and pursue the various suggestions that have been made?

Members indicated agreement.

Airborne Infections (Health and Social Care Settings) (PE2071)

10:00

The Convener: That brings us to PE2071. I apologise, as I have quite a long narrative to deliver at this point—I will do my best. The petition, which was lodged by Dr Sally Witcher, is on protecting people from airborne infections in health and social care settings, and we last considered it on 17 April 2024. It calls on the Scottish Parliament to urge the Scottish Government to improve air quality in health and social care settings through addressing ventilation, air filtration and sterilisation; to reintroduce routine mask wearing in those settings, particularly of respiratory masks; to reintroduce routine Covid testing; to ensure that staff manuals fully cover the prevention of airborne infection; to support ill staff to stay at home; and to provide public health information on the use of respiratory masks and high-efficiency particulate air—HEPA—filtration against airborne infections.

We were hoping to be joined by our colleague Jackie Baillie. Unfortunately, however, parliamentary business elsewhere means that she is not, after all, able to do so.

When we last considered the petition, we agreed to write to the Scottish Government, the Royal College of Nursing, the Royal College of Physicians, Scottish Care, the Health and Social Care Alliance Scotland, which is known as the ALLIANCE, and the Care Inspectorate. We have received responses to all of our correspondence, as well as a submission from the petitioner. Members will note the considerable volume of evidence that has been provided to the committee, which is included with your meeting papers.

We asked the Scottish Government for information about its reviews of information sources and decisions relating to the pause in or withdrawal of Covid-19 guidance. Its response sets out that the latest review on the extended use of face masks and face coverings guidance across health and social care settings occurred between March and April 2023. The agreed outcome of that review was to withdraw the Government's extended guidance, which took effect on 16 May 2023.

On routine testing, a review was conducted in June 2023, which recommended pausing routine testing in health, social care and prison settings. The recommendation was implemented in August 2023. A further review, in March 2024, recommended ending routine testing for care home residents discharged from hospitals or hospices, with implementation expected by summer last year.

The Scottish Government's response highlights the on-going data gathering and monitoring of respiratory infection levels and their impact. The submission states that, if the data gathered through that routine surveillance indicated a need to consider enhanced public health mitigations, that recommendation would be offered to the Scottish Government to consider.

The RCN highlighted its respiratory risk assessment toolkit, which aids local decision making on the level of personal protective equipment—PPE—required to protect staff while at work.

A number of points were raised in the written responses. They covered the need to balance the rights of those receiving care with the needs of staff, concerns from vulnerable people about their safety and inclusion in decision making about their care, staff health and wellbeing, and the need for capital funding to deliver improved ventilation across the national health service estate.

The response from the ALLIANCE states that many vulnerable people

“are not reassured that the removal of protections is safe or that they are considered in decision-making ... This unequal partnership in care, where people are not involved in decision-making regarding how their care is delivered, disempowers individuals and does not recognise their expertise in their own health.”

The petitioner's written submission states that antimicrobial resistance in healthcare associated infections Scotland will not engage with wider stakeholders and that Scottish ministers are “nowhere to be seen.” She asks, “Where is public accountability?”

The petitioner highlights that, in July last year, Covid-19 infection peaked at its highest level since 2022, demonstrating that Covid is not in a calmer phase. The submission highlights a survey of nursing professionals, which found that 58 per cent of respondents would welcome more Covid-19 prevention measures in their workplaces, and 40 per cent reported having had Covid-19 in the summer of 2024. Of those, 21 per cent had attended work while infected with the virus. Many of them felt pressured to come to work with Covid-19 and felt discouraged from testing themselves and patients.

Lastly, the committee asked the Care Inspectorate how “adequate and suitable” ventilation is defined in practice and how it assesses and enforces ventilation standards. Its response points to the health and social standards, which include three standards that relate to ventilation. The standards are incorporated into the inspection methodology in order to inform scrutiny and quality improvement support.

The Care Inspectorate's submission also explains that it expects services to ensure there is natural ventilation wherever possible and supports the implementation of good infection protection control practice. Where services are not operating at the expected standard, the Care Inspectorate supports improvement and can impose extra registration conditions, serve formal improvement notices and cancel registration if an improvement notice is not complied with.

The response highlights that prolonged use of face masks can inhibit communication, particularly for people who are living with dementia and communication difficulties, and can be detrimental to wellbeing. However, it states that face masks should be worn when staff think that there is a risk or if the person being cared for expresses a wish for their carer to do so.

I apologise for the long summation, but we wrote to quite a number of people and received comprehensive responses. In the light of all that I have said, do colleagues have any suggestions for action?

Marie McNair (Clydebank and Milngavie) (SNP): Given the concerns that the ALLIANCE has raised, we should write to the Cabinet Secretary for Health and Social Care to highlight its assessment that

“many vulnerable people are not reassured that the removal of protections is safe or that they are considered in decision-making”

in relation to changes to protective measures, and we should ask how people in high-risk groups are being involved in decision-making policies to amend and remove protections from airborne infections in health and social care settings.

Foysoil Choudhury: I am sure that, like me, colleagues are getting emails from people who have long Covid. Can we invite the Cabinet Secretary for Health and Social Care to come before us and give evidence?

The Convener: I welcome that sensible suggestion, Mr Choudhury.

Marie McNair: That is a good suggestion, but we could wait until we receive a response from the cabinet secretary, then maybe invite him to attend.

Foysoil Choudhury: I was thinking about the time that we have left.

The Convener: Yes, we are running out of time in this parliamentary session, and we have quite a number of health-related petitions before us. Perhaps we could identify a basket of them for the cabinet secretary, with a view to taking evidence across a number of fronts in order to get to a satisfactory point on a number of petitions that remain open in this parliamentary session.

It might be sensible that that meeting takes place after the cabinet secretary has had an opportunity to consider what the response that we are seeking will be to this particular petition, but perhaps we could flag up the opportunity to have a broader discussion with the cabinet secretary about a number of open petitions.

Fergus Ewing: The idea of having a conjoined session that deals with various important outstanding health petitions and hearing from the cabinet secretary on all of them is sensible. Incidentally, that is what we are doing with Fiona Hyslop on transport issues. It would be a good use of the committee's time and save the cabinet secretary from repeatedly attending.

However, to take up Foysol Choudhury's suggestion, we should make it clear that, prior to the oral evidence session, we would benefit from receiving a written response from the cabinet secretary and ask that he provides that. Actually, was it Marie McNair who made that suggestion?

The Convener: Yes.

Fergus Ewing: In other words, we would have both. First, we have the written response, which we can study, and that will better inform our examination and evidence-taking session.

The Convener: I suspect that the session would be post summer recess, so we would expect to have the information by then. However, given that the Parliament will dissolve in a year's time, it would also allow us to bring all the various health petitions before us. Given the rate that we are able to discuss petitions, that would ensure that we make progress on a number of them.

We will keep PE2071 open and, as has been suggested, write to the cabinet secretary, with a view to hearing evidence from him later in the year. Are colleagues content with the proposals?

Members *indicated agreement.*

Court Summons (Accurate Information) (PE2073)

The Convener: Our next continued petition, PE2073, was lodged by Robert Macdonald and calls on the Scottish Parliament to urge the Scottish Government to require the police and court services to check that address information is up to date when issuing court summons and to allow those being summoned the chance to receive a summons if their address has changed, instead of proceeding to issue a warrant for arrest, as under the current system.

We last considered the petition at our meeting on 17 April, when we agreed to write to the Scottish Courts and Tribunals Service and Police Scotland. As noted in our papers, Police Scotland

declined to provide a formal response on this occasion, indicating that the SCTS held the information that we were requesting.

The SCTS response notes that, in cases in which the accused has been released on bail, the onus is on that individual or their legal representative to ensure that the personal information that the court has is current. An application must be submitted to the court if the accused intends to change their address. Where the accused fails to appear at a pre-conviction hearing, having been lawfully cited, the Crown Office and Procurator Fiscal Service may apply to the court for a warrant for the apprehension of the accused. It is then a matter for the court to consider whether such warrants should be granted based on the information provided by the COPFS.

The SCTS publishes an annual overview of the number, type and stage of warrants that have been issued by the courts. Indeed, an extract of the latest report is included in our papers.

In view of that direction, do members have any comments or suggestions as to how we might proceed?

Fergus Ewing: The background to the petition as originally set out by Mr Macdonald is a little bit alarming. It is worth quoting, for the sake of the petitioner. It says:

"On Saturday 4th November 2023, Police Scotland attempted to arrest a paramedic at home due to missing a court date. The summons had been sent to a previous address and thus the paramedic had no knowledge of it. On the evening of the 6th of November, the individual was arrested and spent the night in the cells. The summons was for a court date in 2018."

The attempted arrest was around five years after the original summons. I am concerned that we have not had a proper explanation for that.

I have had a very disturbing case in the constituency of an individual—obviously, I will not mention their name—who was the victim of a road traffic incident. Information about a court diet was mistakenly sent to the accused person and not to him, for which no full explanation has ever been provided. Therefore, I am not sure that this is just a one-off.

I wonder whether, out of fairness to the individual whose situation is described in the petition, we need to give a little bit more thought to how to get to the bottom of this. It is not clear to me what the status of the paramedic was, nor whether the requirement in the explanation that was provided by the public authority involved is applicable in this case—namely, that the onus was on the individual to inform the court of a change of address. If that is applicable, the point probably applies. However, if it is not applicable, we have

not had an answer for the petitioner, and they have not had a proper hearing.

Perhaps we could give careful thought to this, in case I have got any of the detail of the situation wrong, in which case I would sincerely apologise to the committee for wasting time. However, this man was put in a cell in circumstances that seem to indicate some possible fault on the part of the state, and we cannot allow that to happen.

The Convener: What might we do, Mr Ewing, do you think?

Fergus Ewing: One option, which I have used in dealing with the constituency case that I have described, is to compile a letter to the Lord Advocate and seek her view as the person in overall charge of prosecutions in Scotland.

Foyso Choudhury: Can we also write to Police Scotland? If the evidence shows that they have the wrong address, should the person not be given a chance to explain that before the arrest has been made, because that is totally unfair?

The Convener: I note that the petitioner's previous action was to write to their regional MSPs. I do not know whether any of them took it up by way of either a written or an oral question to the minister, which might have been one way of accelerating a response.

10:15

Foyso Choudhury: I think that we should write to the minister.

The Convener: The committee does not pursue an individual case. We pursue a principle.

Fergus Ewing: We could also write back to the petitioner to seek a little bit more information and ask whether the public authority's explanation that the onus rests with the individual to inform of a change of address is applicable in this case.

The Convener: I suspect that Police Scotland will not comment on an individual case, but we could write to the Lord Advocate or the minister to try to establish some detail and say that we have noted the wider point about the onus of responsibility being on the individual, but the circumstances of this particular case are not entirely clear to us, so we are drawing it to the minister's attention to see whether they can give us some further assurance. Would that meet the committee's approval?

Members indicated agreement.

The Convener: We will do that.

Alkaline Hydrolysis (PE2084)

The Convener: Our next continued petition, PE2084, which was lodged by Randall Graeme

Kilgour Foggie, calls on the Scottish Parliament to urge the Scottish Government to amend the Burial and Cremation (Scotland) Act 2016 to allow alkaline hydrolysis, accelerated composting and other more eco-friendly methods of disposal of human cadavers.

We had a fairly grisly conversation about this when we last considered the petition on 15 May 2024 when we agreed to write to the Scottish Government.

Members will recall that the Government consulted on alkaline hydrolysis regulations and found that 84 per cent of respondents support the introduction of regulations to allow alkaline hydrolysis. The development of the regulations is taking place, but no definitive date is set for the regulations to be laid in the Parliament. Do members have any comments or suggestions for action?

It seems that, in this instance, public opinion and the Government accept the case for the disposal of human cadavers using alkaline hydrolysis. Regulations are being drafted, so we need to decide whether we feel that we want to keep the petition open until we see those regulations, or whether we can close the petition, content that the Government and public opinion seem to be in support and regulations are forthcoming. Does the committee have a preference?

Fergus Ewing: I am just re-reading that exchange, which you described as "grisly", convener. I note that you said:

"I am happy to say to the petitioner that we will not bury the petition but will make efforts to keep it alive."—[*Official Report, Citizen Participation and Public Petitions Committee*, 15 May 2024; c 18.]

Given that undertaking, convener, perhaps we should keep it open so that it is not given a premature burial.

The Convener: Thank you very much for that, Mr Ewing. I can see that you have mined the depths of the *Official Report* of the previous meeting to resurrect the commitment that I made on that occasion, which is very good of you.

Will we agree to keep the petition open until we see the regulations, which we believe are forthcoming, and perhaps just write to ask the Government whether it can give us an indication of when it thinks that that might happen?

Members indicated agreement.

Covid-19 Vaccinations (PE2086)

The Convener: Our next continued petition PE2086, which was lodged by William Queen and calls on the Scottish Parliament to urge the

Scottish Government to acknowledge those who were injured by Covid-19 vaccines and to have the national health service offer appropriate treatment to them.

We last considered the petition on 29 May 2024, when we agreed to write to the Scottish Government to seek information on informed consent, specialist diagnostic testing and specialist treatment.

The Scottish Government's response states that information on the potential side effects of the Covid-19 vaccine is provided with each appointment letter, which also includes links to further detailed information. The submission also highlights that staff at clinics are trained to answer any questions about side effects and that each patient must give informed consent before receiving a vaccination. That has been my personal experience.

The Scottish Government's submission states that no specialist diagnostic testing is available for Covid-19 vaccine-related harms, but there are other diagnosis methods. For example, if a patient has a condition that is a known side effect, further tests or clinical assessment could be done in order to rule other likely causes in or out, although there might be nothing that is definitive enough to confirm the condition's cause. The submission reiterates that an individual would be offered the same treatment as any other patient, regardless of how they contracted a condition.

The petitioner's written submission highlights concerns that patients are not being adequately treated for the conditions that they are presenting with, which is resulting in some individuals seeking private treatment. He points to vaccine-induced myocarditis as a condition that can be difficult to diagnose. He also states that he is aware that people have been described as over-anxious when seeking support through the NHS, which is leading them to be hesitant about continuing to seek support, while others have pursued private care and received a heart injury diagnosis.

I believe that the petitioner is in the gallery—good morning and welcome. There continues to be issues of substance in this area, so it is a petition that we would want to hold open. Do members have any calls or suggestions for action?

Foyso Choudhury: We should keep the petition open and write to the Scottish Government to ask whether conditions that could be the result of Covid-19 vaccination side effects are being monitored in order to assess whether those with such illnesses are presenting differently.

Fergus Ewing: I note that the petitioner's 23 January submission, which extends to two and a half A4 pages, is very closely argued and covers

an awful lot of points that I will not rehearse. Plainly, the petitioner has, possibly along with others, carried out a great deal of background work.

Can we ask the health minister to respond to the main points that the petitioner's submission raises? They are, in many cases, points of principle that should be addressed because they might affect many people, as the petitioner suggested in his original petition and attached comments.

Foyso Choudhury: Can we also write to NHS Scotland and ask how it is treating Covid-19? I had a round-table meeting in which I was told that people with Covid-19 are not being treated as patients or given priority, even though they have reservations about their illness.

The Convener: We can do that. However, Mr Ewing is correct—the petitioner has made a comprehensive series of specific points in their latest submission, which we could condense into a series of questions to put to the minister, and then see what response we obtain. Similarly, we can write to NHS Scotland to highlight issues in relation to the requests of staff.

As there are no other suggestions, are we content to keep the petition open and pursue those points?

Members indicated agreement.

The Convener: We thank the petitioner for his on-going work to underpin the petition that he submitted. We will seek specific evidence on the particular points that have been identified in his most recent submission.

New Petitions

10:23

The Convener: We move to item 2, which is consideration of new petitions. As we always do in advance of our first consideration of a petition—I say this because there could be people who are joining us or watching our proceedings for the first time in order to hear how their petition is being treated—we take two actions. We contact the Scottish Parliament information centre, which is the Parliament’s independent research body, to get a briefing on the substance of the issues that are raised in the petition, and we write to the Scottish Government for an initial impression of those issues.

We do both those things because, historically, when the committee first considered a petition, those would be the first two things that we would decide to do. All that waiting for that information did was delay our consideration of the petition. Taking those two actions allows us to accelerate the process.

Horses’ Tail Hair Removal (Ban) (PE2130)

The Convener: The first new petition is PE2130, which has been lodged by James A Mackie. It calls on the Scottish Parliament to urge the Scottish Government to introduce a ban on the removal of all hair from a horse’s tail, leaving a bare stump, other than for medical reasons.

As Mr Mackie notes in the background information that he provided, the tail is a vital part of a horse’s anatomy that serves several functions. The tail assists in temperature regulation, is a mechanism for balance by subtly influencing the alignment of the horse’s hind, deters pests and is a vital communication centre for relaying messages about the horse’s mood, health, energy and locomotion.

The SPICe briefing notes that horses are protected animals under the Animal Health and Welfare (Scotland) Act 2006, which includes general offences such as causing a protected animal unnecessary suffering and carrying out a prohibited procedure on an animal. The act permits the Scottish ministers to make codes of practice for protecting animals, and the “Code of Practice for the Welfare of Equidae” was published in 2009. I note that the code does not include anything specific on tail hair removal.

The petitioner and others, such as Animal Concern, suggest that there are alternatives to removing tail hair, such as braiding or bandaging, which keep the hair out of harm’s way and can be undone easily, allowing the tail to function naturally.

In response to the petition, the Minister for Agriculture and Connectivity states that the Scottish Government does not support or recommend the complete removal of a horse’s tail hair. However, the Government is of the view that a ban on the removal of hair from horse tails would be an unnecessary and disproportionate response. Instead, it suggests that the issue should be addressed in updated equine guidance, and it notes that new guidance is currently being developed.

We have received a submission from Mr Mackie in which he responds to the minister’s comments. He notes that, as guidelines are not enforceable, legislation is required. The submission includes quotes from a House of Lords debate that took place in 1938 ahead of the introduction of the tail docking and nicking ban, and Mr Mackie suggests that the arguments that were made in that debate are just as relevant today.

The Scottish Government has given a view on its likely course of action, and I doubt that there is much time left for primary legislation in the current parliamentary session. What are colleagues inclined to suggest?

There is a rush of enthusiasm to identify how we might proceed. Do you have any views, Mr Ewing?

Fergus Ewing: If equine guidance is currently being developed, perhaps we could ascertain when it will be produced and provided, and allow the petitioner the opportunity to comment once it has been produced. I know that he argues that guidance in itself will be insufficient, because it would not outlaw practice that he believes to be injurious. There seems to be a fair amount of evidence to support that; indeed, the minister talks about injurious ill-health side effects.

To be fair to the petitioner, if guidance is to be produced, he should be given an opportunity—given all the work that has been done subsequent to his lodging of the petition—to see whether the guidance cuts the mustard.

The Convener: Let us not try to find appropriate metaphors, Mr Ewing.

Fergus Ewing: “Hair today, gone tomorrow” comes to mind. However, I had better not stray into facetious territory, because, to be fair, the petitioner has raised a point about which he and other people feel strongly. For that reason, I do not think that we could close the petition yet; we should allow it serious consideration.

The Convener: Since you are keen to make hay with the petition, we will keep it open, if colleagues are content with that proposal. We will seek clarity from the Scottish Government on the timetable for the equine guidance, which is much

anticipated, and we will then invite the petitioner to comment. Does the committee agree?

Members *indicated agreement.*

Scottish Rivers (Legal Right to Personhood) (PE2131)

The Convener: We move to petition PE2131, which was lodged by Professor Louise Welsh and Jude Barber on behalf of the Empire Cafe. I wonder whether our remaining guests in the public gallery might, in fact, be them—it seems that they might well be. I am tempted to remind myself where the Empire Cafe is, because I have a feeling that I know. However, I shall not.

The petition calls on the Scottish Parliament to urge the Scottish Government to grant the River Clyde—and, potentially, other rivers in Scotland—the legal right to personhood by adopting the universal declaration on the rights of rivers; appointing a nature director to act as a guardian of the River Clyde, with responsibility for upholding its river rights; and considering whether an alternative mechanism should be established to act for the rights of the river, its inhabitants—both human and non-human—and society at large.

For our consideration of the petition, we are joined by our MSP colleague and former member of the committee, Paul Sweeney. Mr Sweeney joins us remotely, just by way of a change—he must have got fed up coming in for the proceedings on a season-ticket basis. Good morning, Mr Sweeney—it is always a pleasure to have you with us.

10:30

As the SPICe briefing highlights, granting legal personhood to rivers is part of the wider rights-to-nature movement, which is an emerging area of conservation law and practice. Although legal personhood is used for other non-human entities, such as companies, and has been granted to rivers in New Zealand, Bangladesh and Canada, the design of rights-to-nature designation varies markedly.

In its response to the petition, the Scottish Government states that it does not support the proposals of the petition and notes that there would be a need to balance the rights of rivers with the rights of existing natural persons and existing non-natural persons. The Scottish Government considers that there are well-developed policy mechanisms in place that balance the interests of nature, society and the economy, including legislation to protect and improve Scotland's water environment.

The Government's response also draws our attention to the designation of the Clyde mission

programme as a national development in the most recent iteration of the national planning framework, NPF4. For those reasons, the Government's view is that granting rivers legal personhood is unnecessary and would have unpredictable results.

We have also received a submission from the petitioners, which welcomes the approach in NPF4 in respect of the Clyde mission. However, the petitioners remain of the view that

"There are insufficient governance and stewardship mechanisms in place to implement and safeguard the River Clyde and its potential",

and they note that, although the Clyde is central to the broad remit of the Clyde mission,

"the river itself is not represented as an entity."

Before we consider what further action we might take, I ask Paul Sweeney whether there is anything that he would like to say to the committee.

Paul Sweeney (Glasgow) (Lab): Thank you, convener. It is a pleasure to join the committee again today. I felt that I had to be close to the Clyde to make this statement, which is why I did not come to Edinburgh today.

I was rather disappointed by the Government's response to the petitioners, because the points that the Government made in rebutting the petitioners' requests represented the actual position of the petitioners, so I feel that they are in violent agreement. Legal personhood for a river might seem like a bit of an esoteric concept, but I think that it is exactly what is needed. Indeed, that has been a glaring gap in our policy landscape for some time.

The Scottish Government cited the Clyde mission as a vehicle for such work, which might be something to consider, but I agree with the petitioners on the fundamental point that there are

"insufficient governance and stewardship mechanisms in place to implement and safeguard the River Clyde and its potential."

Although the petitioners

"understand that the River Clyde is central to Clyde Mission's ... remit and ... sits at the centre of the Clyde corridor,"

they point out that

"the river itself is not represented as an entity",

nor is there a formal mechanism for all stakeholders to be involved.

I think that an opportunity exists for further development. A myriad of private owners have significant interests in the control of the river and its hinterland, yet there are no formal obligations to engage or consult beyond fairly threadbare

planning and statutory obligations. There is a need to improve accountability all round and to address those issues.

Historically, the river had a far greater degree of oversight. The petitioners cite the Loch Lomond and the Trossachs national park as a potential benchmark for how the current arrangements could be evolved. However, the issue is not purely about the nature aspects of the river; it is about all aspects of the management of the river, including the population, industry and so on.

Glasgow Town Council, which became trustee of the River Clyde in 1770, initially had management responsibilities for dredging and harbour development. The River Improvement Trust of 1809 added ferries to its remit in 1840. In turn, in 1858, that was replaced by the Clyde Navigation Trust, which had a fairly formal standing. It had nine representatives of ship owners, harbour rate payers were represented, the Corporation of Glasgow had 10 representatives, and the chamber of commerce, the Merchants House, the Trades House, the County of Lanark Council and, indeed, the boroughs of Dumbarton, Clydebank, Renfrew, Govan and Partick were all represented.

That evolved into the Clyde Port Authority in 1966, which was a trust port, and then the Ports Act 1991 opened the door for the Clyde Port Authority to be privatised. It was the subject of a management buy-out, floated on the London Stock Exchange and then acquired by a private group of companies, Peel Group Ltd, in the early part of this century, in 2003. It controls, privately, 450 square miles of land around the river and significant strategic port facilities, but there is no formal mechanism for everyone to be involved in the management of that and to consider its wider impact.

Therefore, although the Clyde mission has been a welcome development in recent years—it has been led by the local authorities in the Glasgow city region and Argyll and Bute Council, and has been resourced with £1.5 million of investment to set up a strategic master plan—there could be further development in that respect.

My fundamental request to the committee is for it to consider how we can bring in the Clyde mission and the relevant local authorities, and to discuss how we can develop the mission's accountability mechanisms. How do we put it on a more formalised footing? Can there be more representation? Can there be more formalised board meetings? Can it have a wider remit? Finally, can we build out from the Clyde mission and try to get back to something like the Clyde Port Authority of old, with a broader management plan for the river that feels visible and accountable?

I think that that is the essence of the petitioners' request. This is not some esoteric concept; it is about going back to what we once had: a broader management structure that was very effective in managing the River Clyde and other rivers in Scotland.

The Convener: Thank you very much, Mr Sweeney. That was a helpful exposition of some of the issues underpinning the petition.

Having heard from Mr Sweeney, do colleagues have any suggestions as to what we might do?

Foysoyl Choudhury: In 2019, the High Court of Bangladesh conferred legal personhood on the Turag River and, by extension, all rivers in Bangladesh. In the light of that, and in the light of what Mr Sweeney has said, I think that we should keep the petition open. It would be good to write to the Glasgow city region to seek its views on the actions that are called for in the petition and to get information on the work that is being done to deliver the Clyde mission.

Fergus Ewing: I am very grateful to Mr Sweeney for his most informative introduction and for giving us the interesting background to the history of the Clyde, which has a place in the hearts of many Glaswegians.

I originally hailed from Glasgow, my grandfather won a medal for swimming the Clyde and I used to be the cox to my father's team of four oarsmen, who were called the "Senior Argonauts". They certainly were very senior. As the cox, I managed to steer them into the river bank on many an occasion. We never needed to be rescued by George Parsonage, though, who was the riverman and who for 50 years rescued people from the Clyde. He saved so many lives; indeed, he used to say, "If there were a notch in my oar for every rescue I carried out, there'd be nae oar."

However, irrelevant personal reflections aside, I just wanted to convey that I think that we all have an affection for the River Clyde, and many of the arguments towards the end of Mr Sweeney's remarks about how it can better be cherished, appreciated and protected are, I think, ones that we would all agree with. Therefore, rather than close the petition, we should explore how that could be done.

Without wanting to sound any discordant note, I should also say that it was in Glasgow 48 years ago that I studied the law of persons, and I have to point out that the river cannot be a person in law. Therefore, we can have sympathy with the petitioners' aims, but the means by which they seek to give effect to them would not, I think, really fit with Scots law—and, in saying that, I pay all my respects to other countries that have taken a different view on that matter. There could be some new form of body—after all, the Glasgow Humane

Society had a role, the Clyde mission has a role and other bodies have been mentioned. A new charity could be established if that was felt necessary. That would be a more orthodox manner of pursuing aims that we might all agree are worthy ones.

The Convener: I think that those remarks were very nicely rounded and put. I am not sure that the petition's specific aim is something that we can deliver, but we could pursue the underlying issues that it raises in the way that has been suggested this morning. Are colleagues content to proceed on that basis?

Members indicated agreement.

The Convener: I thank Mr Sweeney for assisting us in coming to that determination. We will keep the petition open—the petitioners in the gallery can be assured of that—and we will seek the information that has been requested, as suggested.

Non-medical Aesthetic Injectors (Regulation) (PE2137)

The Convener: That brings us to the last of our new petitions this morning. PE2137, on fair regulation for non-medical aesthetic injectors, which has been lodged by Jordan Morrison of Mr Skulpt Aesthetics Ltd, calls on the Scottish Parliament to urge the Scottish Government to introduce an aesthetics licensing scheme to ensure that non-medical practitioners meet training and safety standards.

The petition argues that a complete ban on aesthetic injectors risks driving treatments underground, where unregulated and untrained individuals could operate without oversight, which would significantly increase the risks to public safety. The petitioner states that, by contrast, regulation would mandate accredited training, on-going education and adherence to strict safety protocols, thereby ensuring that injectors had the necessary knowledge to perform procedures responsibly.

The SPICe briefing explains that, currently, the only clinics that are regulated are those where qualified registered health professionals work; they are registered and inspected by Healthcare Improvement Scotland. A review of the regulation of cosmetic interventions recognised that, because many procedures are not fully covered by existing regulatory frameworks, anyone can purchase and administer products, despite the potential for significant harm.

The Scottish Government consulted on the regulation of non-surgical procedures that pierce or penetrate the skin in 2020, and the analysis was published in 2022, with the Scottish Government indicating that it might introduce a

licensing scheme for all practitioners who carry out such work. However, that did not happen.

In its response to the petition, the Scottish Government states that its most recent consultation, which closed on 14 February, builds on the 2020 consultation by putting forward more detailed proposals for what further regulation could look like. It also states that the consultation does not propose a ban on non-healthcare professional practitioners performing injections of Botox or dermal fillers; instead, it is proposed that certain procedures should be undertaken in a premises regulated by Healthcare Improvement Scotland, and that they should be undertaken by a trained practitioner working under the supervision of an appropriate healthcare professional, who would be available to prescribe any prescription-only medicines that might be required in the procedure or to support the management of any complications.

The Government will confirm any plans for legislation that might be required once the consultation responses have been analysed.

We have all been made aware, through the media, of one or two quite distressing examples of this issue manifesting itself. Do colleagues have any suggestions as to how we might proceed?

Marie McNair: I know that my colleague Stuart McMillan has done a lot of work on the issue, too.

I think that we should keep the petition open and write to the Scottish Government to seek a timeline for the publication of its consultation analysis and its work to bring forward regulation. We should also ask for an assessment of how its proposed groupings for procedures and the suggestion that Botox and dermal filler procedures be restricted to premises regulated by Healthcare Improvement Scotland would impact aesthetics businesses.

The Convener: I think that that is a very sensible suggestion. If there are no other suggestions, are we content to proceed on that basis?

Members indicated agreement.

The Convener: We will keep the petition open and proceed on the basis that has been suggested.

To those of you who have been enjoying the proceedings so much, I am afraid to say that that brings us to the conclusion of our meeting. Our next meeting will take place on 19 March. I thank everyone for their participation and for joining us today, and I formally close the meeting.

Meeting closed at 10:43.

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